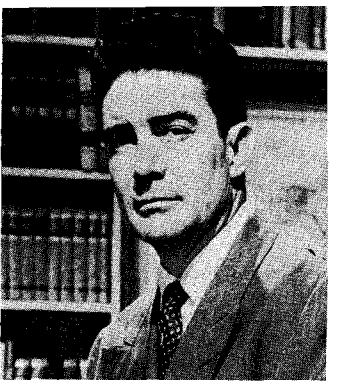
THE
Dan Smoot Report

Vol. 12, No. 28 (Broadcast 568) July 11, 1966 Dallas, Texas



DAN SMOOT

THE POWER OF PUBLIC OPINION

On June 14, 1966, Edwin Willis, Chairman of the House Committee on Un-American Activities, introduced the Organizational Conspiracies Act (HR 15678), to outlaw "certain clandestine organizations." The bill is aimed primarily at the Ku Klux Klan, though it does not name the Klan or any other organization specifically.

Some of the bombings, burnings, assaults, and murders in the South seem to have been committed by members of civil rights organizations and blamed on the Klan, or on white "red necks," for the purpose of giving racial agitators a cause celebre to stimulate money-raising and recruiting. Yet, it is apparent that ugly crimes of violence have been committed by Klansmen.

Nonetheless, all crimes attributed to Klansmen are wholly within the jurisdiction of local and state courts and law enforcement. State laws are fully adequate for punishing these crimes. It is insulting to imply that federal law enforcers would do the job better than local and state agencies.

Above all: laws transferring to the federal government police power constitutionally reserved to local and state governments, are very dangerous.

The White Slave Traffic Act (passed in 1910) and the National Motor Vehicle Theft Act (passed in 1919), giving the FBI jurisdiction to investigate prostitution and car thefts involving the crossing of state lines, are two examples of many federal laws expanding federal police power beyond what is authorized by the Constitution. In support of the civil rights revolution during recent years, Congress, the president, and the courts have approved a frightful amount of unconstitutional federal encroachment upon local police authority. The Willis bill to outlaw the Ku Klux Klan is among the most outrageous police-state measures yet proposed to Congress.

This bill — badly drawn, with vague grants of power that could mean anything the reigning bureaucracy wants it to mean — could outlaw the Masons, the Knights of Columbus, the Shriners.

THE DAN SMOOT REPORT is published weekly by The Dan Smoot Report, Inc., Box 9538, Dallas, Texas 75214 (office at 6441 Gaston Ave.). Subscriptions: $18.00 for 2 years; $10.00, 1 year; $6.00, 6 months; first class, $12.50 a year; airmail, $14.50. Dan Smoot was born in Missouri, reared in Texas. With BA and MA degrees from SMU (1938 and 1940), he joined the Harvard faculty (1941) as a Teaching Fellow, doing graduate work in American civilization. From 1942 to 1951, he was an FBI agent; from 1951 to 1955, a commentator on national radio and television. In 1955, he started his present independent, free-enterprise business: publishing this REPORT and abbreviating it each week for radio and TV broadcasts available for commercial sponsorship by business firms.

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Publications (like this *Report*), which refuse to make public their subscription lists because they do not want their subscribers harassed and panhandled, could be prosecuted under the proposed Willis bill — and so could organizations (like the Daughters of the American Revolution) which try to protect their members by refusing to publicize membership lists. Provisions in the bill against "intimidation" of persons could be construed as authority for federal prosecution against — for example — anyone who criticized racial agitators like Martin Luther King, on the presumption that criticism intimidates King or makes him afraid to do or say what he pleases.

The Willis bill could also be construed to outlaw the communist party, all communist fronts, and vicious racial-agitation organizations like the Student Nonviolent Coordinating Committee, Martin Luther King's Southern Christian Leadership Conference, Congress of Racial Equality, NAACP. It is not aimed at communist and pro-communist groups and probably would not be used against them; but even if it were used against organizations which constitutionalists consider bad, it is still unconstitutional, police-state legislation which all Americans ought to oppose vehemently.

Here are samplings of the language in the Willis bill:

"There exist within the United States certain clandestine organizations which in varying degree and manner engage in activities which adversely affect the general welfare of the United States and tend to subvert constitutional processes . . . .

"The term 'clandestine organization' means any organization (A) which conceals, or attempts to conceal, its name, activities, or membership, or the name, activities, or membership of any chapter, branch, unit or affiliate thereof by the use of cover names, codes, or any deceptive practice or other means, or (B) whose members shall be required, urged, or instructed, or shall adopt any practice, to conceal their membership or affiliation and that of others in or with such organization, or (C) whose members shall take any oath or pledge, or shall administer any such oath or pledge to those associated with them, to maintain in secrecy any matter or knowledge committed to them by the organization or by any member thereof, and (D) which shall transact business or advance any purpose at any secret meeting or meetings which are guarded or secured against intrusion by persons not associated with it . . . .

"Any person who, being a member or agent of such organization and acting as aforesaid, assaults any person moving in interstate commerce, shall be fined not more than $5,000 or imprisoned not more than five years, or both . . . .

"Any person who willfully teaches, advises, or advocates the duty, necessity, desirability, or propriety, by the use of violence, force, intimidation, or any unlawful means, of (1) furthering or accomplishing any purpose, objective, or plan of any clandestine organization doing business or operating in interstate or foreign commerce, or (2) preventing or hindering any citizen of the United States from freely exercising or enjoying any right, liberty, privilege, or immunity granted or secured to him by the Constitution and laws of the United States . . . .

"Shall be fined not more than $10,000 or imprisoned not more than ten years, or both . . . .

"The Attorney General may institute for the United States . . . a civil action or other proper proceeding for preventive relief . . . whenever he has reasonable grounds to believe that . . . criminal conspiracy, or any of its officers, leaders, agents, members, confederates, or associates acting in furtherance of or in relation to any purpose, objective, or plan of such organization, is engaging in or is about to engage in . . . the commission of any act of violence, intimidation or harassment, that injures, oppresses, or punishes any citizen or class of citizens in the free exercise or enjoyment of any right, liberty, privilege, or immunity granted, secured, or protected by the Constitution or laws of the United States . . . .

"The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title and shall exercise the same without regard to whether the petitioner shall have exhausted any administrative or other remedies that may be provided by law.

"In determining whether an organization is a criminal conspiracy within the meaning of this

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title, the court shall, among other relevant factors, consider —

"(1) the extent to which the history, traditions, purposes, policies, and activities of the organization reflect patterns of threats, intimidation, harassment, and violence in accomplishing its objectives and purposes;

"(2) the extent to which the organization, for the purpose of concealing its goals and activities (A) conceals or refuses to disclose its membership or associates, or any part thereof, or (B) requires or instructs its members or associates to conceal their association or activities or those of others with such organization, or to take oaths or pledges of secrecy, or (C) in any other way operates in a secret manner . . . . "

The Johnson administration is supporting the Willis bill. It may pass unless there is a storm of protest from people throughout the land.

I suggest you write three letters — one to each U. S. Senator from your State, and one to the U. S. Representative from your congressional district. Address the Senators at the Senate Office Building, Washington, D. C., the Representative at the House Office Building. You can get the names of your Senators and Representative by calling a local newspaper or library. In your own words, say something like this:

"The Organizational Conspiracies Act of 1966 (HR 15678) — now pending in the House Committee on Un-American Activities — would be another gigantic step toward a federal police state. There is no need for the bill; it is wholly unconstitutional; and it could be used to destroy, not just the Ku Klux Klan, but freedom of the press, freedom of speech, and many of the most respected and respectable organizations in the United States.

"If you can exert any influence to help kill this bill in committee, I implore you to exert it. If the bill, in any form, is reported out of committee, I urge you to help defeat it."

Congress Listens In Election Years

In 1965, Congress behaved like a mindless, unprincipled, political caucus assembled for the sole purpose of rubber-stamping whatever Lyndon Johnson proposed. In that one year, Johnson pushed through Congress more harmful, socialistic, unconstitutional legislation than had ever been enacted in any previous ten-year period. In 1966, the Johnson juggernaut has been slowed down. All U. S. Representatives and one-third of all Senators must face the people and ask for their votes this year; and it is evident that many now fear the political wrath of the voting public for their senseless support of great-society programs — fear it even more than they fear Johnson's famed arm-twisting.

Johnson's arm-twisting is really nothing but bribery of Senators and Representatives with taxpayers' money. For supporting presidential programs, members of Congress are promised federal spending in their states and districts, and administration support for bills or committee assignments they want. For resisting, they are threatened with administration opposition to their own vote-buying schemes.

This year, Johnson's arm-twisting for "consensus" is not yielding the results it did last year. By the end of the first week in July, 1965, most of Johnson's major programs had already sailed through Congress with big majorities of both Houses fatuously hanging onto the President's coattails. At the end of the first week in July, 1966, most of Johnson's major legislative proposals were still pending — many of them not yet out of committee, some not even scheduled for hearings.

Congress (composed largely of political weathervanes who do not respect their solemn vows to uphold the Constitution of the United States, but follow only the dictates of political expediency) is now finding it politically expedient to resist Johnson's demands and to make some pretense of listening to the public.

How do members of Congress know what the public wants? By the letters you write them! Every time I suggest letters to Congress, Congress

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gets sacks of mail; and I get some too — from people who say such letter-writing does no good. But it does. For proof, look at the record:

—On January 12, 1966, Johnson demanded an International Education Act, an International Health Act, an international agricultural program, and an international birth control program — all of which would increase the unconstitutional tax burden on Americans for educating, medicating, feeding, and otherwise uplifting the world. See this *Report*, February 14, and February 28, 1966. At present, Congress does not seem disposed to act on any of these four Johnson proposals.

—On January 26, 1966, Johnson demanded the Demonstration Cities Act to start a remodeling of every town and city in the United States, a program which would put the federal bureaucracy in control of every aspect of human life in the cities of America (see this *Report*, March 21, 1966). Both Senate and House have completed committee hearings on this legislation (S 2842 and HR 12341), but neither has put it to a vote for passage.

—As a companion piece to his Demonstration Cities program, the President asked for a Community Development District Act, which would give federal bureaucrats authority to plan and direct life in the rural areas of America (see this *Report*, March 28, 1966). It does not now appear that the present Congress will act on this proposal.

—This year, the President asked for an Agricultural Stockpile Act, which would grant the Secretary of Agriculture autocratic power to control production, storage, and sale of farm commodities under the pretext of acquiring and maintaining reserves of commodities that may be needed in an emergency (see this *Report*, June 20, 1966). Legislation (HR 12784) to give the President what he asked was introduced, but was killed in committee.

—Johnson has asked Congress to create a Department of Transportation — which would be another step toward absolute federal control over the transportation industry. Both Houses have completed hearings on legislation (HR 13200 and S 3010) to create the new department, but neither has yet put it to a vote, though earlier this year it seemed certain that the President's demand would be promptly met.

—The present federal-state unemployment compensation program has enabled federal agencies to exert dictatorial powers over state governments. Administration legislation introduced in 1965 would have given the federal bureaucracy *complete* control; would have invited a proliferation of fraudulent claims for compensation; would have encouraged idleness at taxpayers' expense, by extending the period of benefits and the amount (see this *Report*, April 4, 1966). The House revised and passed it after deleting the provisions to tighten federal controls (HR 15119). The original administration version (S 1991) is still pending in Senate committee.

There is more than one reason why these bills — and many others — which seemed so certain of passage earlier in the year, are now either bottled up in committee or withheld from final action in House and Senate. One reason — and, I think, the most powerful reason — is the fact that the bills were called to the attention of the public; and the public — by writing letters to Congress — registered strong opposition.

SUGGESTION: Keep congressional mail bags full. If public opposition to Johnson's legislative program continues and grows, Congress will listen — especially in this election year.

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